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REMARKS

Claims 1, 5, 7, and 8 have been amended, claims 2-4 and 9-11 have been canceled, and claims 12-17 have been added. Upon entry of the above amendments, claims 1, 5-8, and 12-17 will be in the application.

Prior Art Rejection

Claims 1, 3 and 5-8 have been rejected under 35 U.S.C. §102(b) as being anticipated by Applicant's prior U.S. Patent No. 6,331,068.

With respect to claim 1, the Examiner has stated that Fig. 5 of the applied reference shows "a headlamp assembly including a lens [70], housing [62] and a flexure impact-absorbing member [90] positioned therebetween." It is not clear whether the Examiner considered the limitation that the flexure member is "shaped to dynamically change its energy absorption characteristics during impact." Regardless, Applicant has amended claim 1 to require that the flexure member has a thickness or modulus that varies along a longitudinal direction between the lens and the housing. This concept is neither taught nor suggested by Applicant's prior '068 patent. The only mention of variations in thicknesses in the entire patent is the passage at column 9, lines 1-8, which was noted by the Examiner. However, this passage does not teach or suggest varying either the thickness or modulus in the longitudinal direction, i.e., a direction between the lens and the housing. Thus, it is respectfully submitted that amended claim 1 is patentable over Applicant's prior '068 patent.

With respect to claim 3, the Examiner has stated that Fig. 5 of Applicant's previous '068 patent shows a headlamp assembly including a housing having "a guide means for controlling the direction of deflection of the flexure member during an impact (column 4, lines 13-37)." It is respectfully submitted that the cited portions of the Chase patent relied upon (column 4, lines 13-37) discuss a headlamp assembly disclosed by Japanese Patent JP3-208738 A2, "wherein the headlamp is mounted to a guide rail spaced a predetermined distance from the side frame members and interconnected with a connecting bar whose lower end is connected to the side member and upper end, the movable frame containing the headlamp, and adapted for sliding on the guide rail." Thus, the disclosure does not constitute anticipation because the disclosed headlamp assembly of the Japanese patent does not include a flexure

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member extending between the lens and the housing. There is not any teaching or suggestion in the '068 patent for combining the features of Japanese Patent JP3-208738 A2 with the flexure member described in the '068 patent. Regardless, claim 3 has been canceled, thereby obviating the rejection, and new claim 17 has been added to encompass related subject matter, wherein the lens and the housing have "interactive elements guiding movement of the lens relative to the housing during an impact, whereby the direction of deflection of the flexure member during impact is controlled." This concept is neither taught nor suggested by the '068 patent.

With respect to claim 5, the Examiner has stated that Applicant's previous '068 patent "discloses that the flexure member may be made of two or more different materials (col. 8, lines 47-51; col. 9, lines 5-8)." Claim 5 has been amended to depend from claim 1, which requires that the flexure member has a modulus that varies along a longitudinal direction between the lens and the housing. Applicant's prior '068 patent only mentions that the flexure member may be made of two or more different materials having different moduli. This does not teach or suggest the claimed invention wherein the flexure member has a modulus that varies along the longitudinally direction.

The Examiner has stated that the features of claims 6-8 are described at column 9, lines 1-8 of Applicant's prior '068 patent. While the '068 patent mentions that the flexure member may have "reinforcing ribs, darts, or variations in thickness," there is not any teaching or suggestion for the claimed inventions wherein the flexure member has a longitudinally variable thickness, wherein the flexure member has a variable lateral thickness, or wherein the flexure member has a plurality of longitudinal ribs.

Allowable Subject Matter

Applicant acknowledges that claims 2, 4 and 9-11 embrace allowable subject matter. The allowable subject matter of claims 2, 4 and 9-11 have been presented in independent form as new claims 12-16.

Support

Support for claim 1 as amended can be found at paragraph 26 which discloses that the flexure member may be prepared from dissimilar materials "to form a unitary flexure member

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having longitudinally and/or transversely varying flex modulus and tensile modulus." Support for new claims 12-16 can be found in original claims 2, 4 and 9-11. Support for new claim 17 can be found in paragraph 25 of the specification which discloses guides and guide rails (elements) on the lens and housing respectively, that interact to guide movement of the lens relative to the housing during impact, "to constrain displacement of the lens during impact so that damage of the lap assembly is minimized."

CONCLUSION

In view of the above amendments and remarks, it is respectfully submitted that the application is in condition for allowance and notice of the same is earnestly solicited.

Respectfully submitted,

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